

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

GLENDORA TURNER,)
Individually, and as)
Administratrix of the Estate of)
WILLIAM LEE TURNER,)
Deceased,)

Plaintiff,)

v.)

Case No.: 2:05-cv-702-T

MERCK & CO., INC., a foreign)
Corporation, ANNE BRANDON,)
an individual, LAMONDE)
RUSSELL, an individual, *et al.*,)

Defendants.)

AMENDED NOTICE OF REMOVAL

COMES NOW, Defendant Merck & Co., Inc. (“Merck”), and pursuant to this Court’s Order of August 9, 2005 (Doc. 8), amends its previously-filed Notice of Removal (Doc. 1) to more specifically plead federal jurisdiction (diversity of citizenship) for purposes of removal.

1. There is complete diversity as between Plaintiff, Glendora Turner, her decedent, William Lee Turner, and Merck, the only properly joined defendant.

2. Plaintiff Glendora Turner is a citizen of the State of Alabama. Compl.

at ¶2. A copy of the Complaint itself (without exhibits) is attached hereto as Exhibit A¹. According to the Complaint, Plaintiff's decedent, William Lee Turner, was a citizen of the State of Alabama at the time of his death. Compl. at ¶3; see 28 U.S.C. §1332(c)(2).

3. Merck is, and was at the time this suit was commenced, a corporation organized under the laws of the State of New Jersey with its principal place of business in New Jersey. It is therefore a citizen of New Jersey for purposes of determining diversity. See 28 U.S.C. § 1332(c)(1).

4. Merck adopts and incorporates herein each and every other averment set forth in its Notice of Removal (Doc. 1).

WHEREFORE, Merck respectfully amends its previously-filed Notice of Removal to adequately address the decedent's citizenship and thereby establishes the existence of complete diversity of citizenship for purposes of this action.

DATED this 17th day of August, 2005.

/s/ Benjamin C. Wilson
One of the Attorneys for Defendant,
Merck & Co., Inc.

¹ A complete copy of the Complaint, with exhibits, is attached as Exhibit A to the Notice of Removal.

OF COUNSEL:

Robert C. "Mike" Brock

Benjamin C. Wilson

R. Austin Huffaker, Jr.

RUSHTON, STAKELY, JOHNSTON, & GARRETT, P.A.

Post Office Box 270

Montgomery, Alabama 36101-0270

Telephone: (334) 206-3100

Facsimile: (334) 263-4157

bcw@rsjg.com

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Andy D. Birchfield, Jr.

J. Paul Sizemore

BEASLEY, ALLEN, CROW,

METHVIN, PORTIS, & MILES, P.C.

Post Office Box 4160

Montgomery, Alabama 36103-4160

/s/ Benjamin C. Wilson